

**UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 7
)	
SAMIR JAKUPOVIC,)	Bankruptcy No.: 23 B 15263
)	
Debtor.)	Honorable A. Benjamin Goldgar

NOTICE OF MOTION

TO: SEE ATTACHED SERVICE LIST

On June 3, 2024, at 9:30 am, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge A. Benjamin Goldgar, or any judge sitting in his stead, in Room 642 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, either in person or via Zoom and present the following motion:

**DEBTOR, SAMIR JAKUPOVIC,'S MOTION TO LIFT THE BANKRUPTCY STAY
ONLY AS TO THE STATE COURT'S ORDER WITH REGARD TO HIS PASSPORT
AND ABILITY TO TRAVEL, OR FOR CLARIFICATION AS TO THE STAY ORDER.**

a copy of which is attached hereto and herewith served upon you.

Zoom Information: Meeting ID: 161 500 0972, Passcode: 726993.(Only parties and their attorneys may appear for a motion call remotely using Zoom. The public may not. Members of the public who want to observe must do so in person in the courtroom.)

Anthony J. Peraica & Associates, Ltd.
5130 S. Archer Avenue
(773)735-1700
support@peraica.com

Attorneys at Law
Chicago, Illinois 60632
Anthony J. Peraica, ARDC
#6186661

PROOF OF SERVICE

The undersigned, an attorney, on oath states he caused to be served this Notice of Motion and aforesaid motion thereto upon the attorneys on the attached service list via electronic notice through CM/ECF on May 15, 2024.

/s/ Anthony J. Peraica

SERVICE LIST

Parties serve via electronic notice through CM/ECF:

1. Phillip Brigham
Law Office of Phillip Brigham, LLC
53 West Jackson, Suite 1128
Illinois
Chicago, IL 60604
312-360-1722
312-360-1723 (fax)
pbrigham@phillipbrighamlaw.com
Assigned: 03/19/2024 representing Zilha Jakupovic
(Creditor)

 2. Arlene N Gelman
Vedder Price P.C.
222 North LaSalle Street
26th Floor
Chicago, IL 60601
(312) 609-7500
(312) 609-5005 (fax)
agelman@vedderprice.com
Assigned: 11/30/2023 representing Siemens Financial Services, Inc.
(Creditor)

 3. David P Leibowitz, ESQ
Law Offices of David P Leibowitz LLC
3478 N. Broadway - Unit 234
Chicago, IL 60657-6968
312-662-5750
dleibowitz@lodpl.com
Assigned: 02/15/2024 representing David P Leibowitz, ESQ
(Trustee)
- David P Leibowitz, ESQ
Leibowitz, Hiltz & Zanzig, LLC
53 W. Jackson Blvd
Suite 1301
Chicago, IL 60604-3552
312-566-9008
872-266-0021 (fax)

dleibowitz@lodpl.com

Assigned: 03/19/2024

LEAD ATTORNEY representing David P Leibowitz, ESQ
(Trustee)

**UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
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In re:)	Chapter 7
)	
SAMIR JAKUPOVIC,)	Bankruptcy No.: 23 B 15263
)	
Debtor.)	Honorable A. Benjamin Goldgar

**DEBTOR, SAMIR JAKUPOVIC,'S MOTION FOR RELIEF FROM THE
BANKRUPTCY STAY ONLY AS TO THE STATE COURT'S ORDER WITH REGARD
TO HIS PASSPORT AND ABILITY TO TRAVEL, OR FOR CLARIFICATION AS TO
THE STAY ORDER**

Debtor, Samir Jakupovic, by his attorneys, Anthony J. Peraica and Anthony J. Peraica & Associates Ltd., pursuant to 11 U.S.C.A. § 362, and for his Motion for Relief from the Bankruptcy Stay Only as to the State Court's Order with regard to his Passport and Ability to Travel, or for Clarification as to the Stay Order, states as follows:

INTRODUCTION

1. Debtor, Samir Jakupovic ("Jakupovic"), moves for relief from the automatic stay only as to the State Court's order regarding his passport and ability to travel, or moves for clarification, so that he can ask the state court to return his passport to him and to travel.

FACTS

2. On July 14, 2023, the Circuit Court of Cook County in Case No. 2019 D 006285 entered an order stating in part: "... The Court admonishes the Respondent that he must return to the State of Illinois on or before the date of September 1, 2023, and upon his return, shall surrender his passport to his counsel who shall retain said passport until further order of Court." Exhibit "A".

3. On or about November 13, 2023, Debtor, Samir Jakupovic ("Jakupovic"), filed his Voluntary Petition for Individuals Filing for Bankruptcy.

4. On or about February 22, 2024 and March 1, 2024, the Circuit Court of Cook County in Case No. 2019 D 006285 entered an order stating in part:

The Respondent, Samir Jakupovic is granted leave to file an Emergency Motion for Leave to Travel, if the Bankruptcy Court issues an order or clarification regarding the bankruptcy stay. However, counsel for Respondent, Samir Jakupovic, shall coordinate with counsel for Petitioner, Zilha Jakupovic, regarding an agreed upon date to present the Emergency Motion. Group Exhibit "B".

ARGUMENT

5. "The automatic stay in 11 U.S.C. § 362(a) stops many proceedings against debtors in bankruptcy. Section 362(b), however, contains a long list of exceptions to the automatic stay. In particular, that section excepts from the automatic stay many proceedings that typically occur in state domestic relations proceedings." In re Welsch, 602 B.R. 682 (Bankr. N.D. Ill. 2019).

6. Section 362(b)(2) states in part as follows:

(b) The filing of a petition under section 301, 302, or 303 of this title, or of an application under section 5(a)(3) of the Securities Investor Protection Act of 1970, does not operate as a stay--

1) under subsection (a) of this section, of the commencement or continuation of a criminal action or proceeding against the debtor;

(2) under subsection (a)--

(A) of the commencement or continuation of a civil action or proceeding--

(i) for the establishment of paternity;

(ii) for the establishment or modification of an order for domestic support obligations;

(iii) concerning child custody or visitation;

(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

(v) regarding domestic violence;

(B) of the collection of a domestic support obligation from property that is not property of the estate;

(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order or a statute;

(D) of the withholding, suspension, or restriction of a driver's license, a professional or occupational license, or a recreational license, under State law, as specified in section 466(a)(16) of the Social Security Act;

(E) of the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act;

(F) of the interception of a tax refund, as specified in sections 464 and 466(a)(3) of the Social Security Act or under an analogous State law; or

(G) of the enforcement of a medical obligation, as specified under title IV of the Social Security Act; 11 U.S.C.A. § 362.

7. “Only two important types of proceedings in domestic relations cases are barred by the automatic stay: the division of marital property that is property of the estate, and proceedings to collect on a domestic support obligation from property of the estate.” In re Welsch, 602 B.R. 682, 684 (Bankr. N.D. Ill. 2019).

8. Debtor, Samir Jakupovic (“Jakupovic”), moves for relief from the automatic stay only as to the State Court’s order(s) regarding his passport and ability to travel, or moves for clarification regarding the bankruptcy stay, so that he can ask the state court to return his passport to him and to allow him to travel.

WHEREFORE, Debtor, Samir Jakupovic, prays that this Honorable Court enter an order for relief from the automatic stay only as to the State Court’s order(s) regarding his passport and ability to travel, or to clarify that the automatic stay does not prevent the State Court from entering an order returning his passport to him and allowing him to travel.

Respectfully Submitted,

SAMIR JAKUPOVIC

By: /s/ Anthony J. Peraica

Anthony J. Peraica, ARDC #6186661
Anthony J. Peraica & Associates, Ltd.
Attorney for the Debtor, Samir Jakupovic
5130 S. Archer Avenue
Chicago, Illinois 60632
(773) 735-1700
support@peraica.com